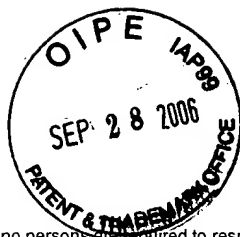


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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		BALAY 2-1	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number	Filed	
	09/966,095	10/01/2001	
	First Named Inventor		
	BALAY		
	Art Unit	Examiner	
	2111	DANG, KHANH	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 36,457 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			

Signature

WILLIAM H. BOLLMAN

Typed or printed name

202-261-1020

Telephone number

September 28, 2006

Date

<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 09/966,095

Filed: October 1, 2001

Group Art Unit: 2111

Examiner: Dang, Khanh

Atty Docket No.: Balay 2-1

Our Ref.: 20-143

In re Patent Application of:

**BALAY**

Title: **PCI/LVDS HALF BRIDGE**

September 28, 2006

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Final Office Action dated July 28, 2006, please  
enter the following remarks in the subject application:

**REMARKS**

Claims 1-3, 5-8, 10-12, 14-17, 19-21 and 23-26 remain pending in the application.

**Claims 1-3, 6-8, 10-12, 15-17, 19-21 and 24-26 over Tal in view of Lucent and alternately over Lange in view of Lucent**

In the Office Action, claims 1-3, 6-8, 10-12, 15-17, 19-21 and 24-26 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,662,254 to Tal et al. ("Tal") in view of Lucent Technologies delivers new field-programmable system chips for high speed PCI bus and backplane data interfaces ("Lucent"), and claims 1-3, 6-8, 10-12, 15-17, 19-21 and 24-26 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,457,091 to Lange et al. ("Lange") in view of Lucent. The Applicants respectfully traverse the rejection.

Claims 1-3, 5-8, 10-12, 14-17, 19-21 and 23-26 recite a method and apparatus relying on a first half bridge circuit and a second half bridge circuit connecting a first bus segment and a second bus segment, a plurality of half bridge circuits connecting the half bridge circuits being scalable depending on a bandwidth needed for a particular application.

The Examiner continues to frustrate the Applicants with a rejection that parses the claimed features into elements, allegedly finds the elements within the cited prior art, combines the elements without consideration for their disclosed use within the cited prior art, combines the elements to recreate the claimed features without suggestion within the cited prior art and relies on improper motivation to modify the primary reference.

The Examiner acknowledged that Tal and Lange fail to disclose "that the serial channel comprising 4 full duplex pair can be 'scalable' depending on a bandwidth needed for a particular application (See Final Office Action dated July 28, 2006, pages 5 and 9). However, the Examiner alleged that "Lucent Technologies discloses the use of the ORT4622 half bridge (page 1, 4<sup>th</sup> paragraph) including field programmable gate arrays (FPGAs), see page 1, 1<sup>st</sup> paragraph, and containing 'a 4-channel 622 megabit-per-second (2.5 gbps when

all 4 channels are used), see page 1, 4<sup>th</sup> paragraph, for providing design flexibility, functionality, and performance.” (see Final Office Action dated July 28, 2006, pages 5 and 9). The Examiner alleged that the “ORT4622 half bridge is clearly “scalable” depending on the bandwidth needed and the fact that the ORT4622 half bridge contains a 4-channel 622 megabit-per-second (2.5 gbps when all 4 channels are used clearly indicates that less than 4 channels can be used when less bandwidth is needed” (see Final Office Action dated July 28, 2006, pages 5 and 9).

The Examiner relies on Lucent to allegedly disclose scalability. However, Lucent discloses that “Designers can use the device to drive high-speed data transfer across a backplane within a system” (see 4<sup>th</sup> full paragraph). Thus, a reading of Lucent reveals that the manufacturer of the ORT4622 intended its use across a backplane within a system. Although the Applicants also disclose use of the ORT4622, the Applicants disclose a novel use of the ORT4622. Thus, at best Lucent discloses use of a half bridge circuit across a backplane within a system. The Examiner has still failed to provide a reference that discloses or suggests the use of scalable half bridge circuits between two bus segments, as recited by claims 1-3, 5-8, 10-12, 14-17, 19-21 and 23-26.

Moreover, the motivation that the Examiner provides to modify Tal and Lange is to provide Tal and Lange “with design flexibility/scalability, functionality, and speed/performance” that the Examiner acknowledged is disclosed by Lucent (see Final Office Action dated July 28, 2006, pages 6 and 11). Thus, the Examiner is simply reiterating benefits from a marketing statement associated with the ORT4622 not providing motivation why one of ordinary skill would modify Tal and Lange.

Moreover, the Applicants pointed out that “Teachings of references can be combined only if there is some suggestion or incentive to do so.” In re Fine, 5 USPQ2d 1596,1600 (Fed. Cir. 1988) (quoting ACS Hosp. Sys. v. Montefiore Hosp., 221 USPQ 929, 933 (Fed. Cir. 1984)) (emphasis in original). Nothing within Tal, Lange nor Lucent suggests modifying Tal or Lange with scalable half-bridge circuits. Thus, any modification of Tal without some

suggested need to simply arrive at the claimed features is based on improper hindsight.

Moreover, as the Examiner points out Tal discloses reliance on 4 full duplex pairs, each providing 622 mbps of bandwidth (see Final Office Action dated July 28, 2006, page 4). Thus, Tal teaches away from modification to use a scalable interface because specifically requiring use of all four full duplex pairs for his application.

Moreover, Lange discloses use of a single serial communication line (see Fig. 4, item 131). Thus, Lange teaches away modification of use of more than one data line because requiring use of only one data line for his application.

Accordingly, for at least all the above reasons, claims 1-3, 5-8, 10-12, 14-17, 19-21 and 23-26 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

### **Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'William H. Bollman', written over a horizontal line.

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